

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR207
)	
v.)	
)	
AARON MIRANDA-QUIROZ,)	PRELIMINARY ORDER
)	OF FORFEITURE
Defendant.)	
_____)	

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 46). The Court reviews the record in this case and finds as follows:

1) The defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I, VIII, X, XI, XII and XIII of said Indictment. Count I of said Indictment charges the defendant with conspiracy to distribute methamphetamine, a violation of 21 U.S.C. § 846. Count VIII charges a violation of possession of a firearm less than 18 inches in length not registered to the defendant, a violation of Title 18 U.S.C. § 924(d) and 28 U.S.C. § 2461. Counts X, XI, XII and XIII of said Indictment charge the defendant with using the following:

- a. 9mm Hi Point, Model C9 Luger, serial number P113411
- b. FEG 9mm semi-automatic handgun Model P9RZ, serial number RZ00337
- c. Mossberg Model 835, 12 gauge shotgun, serial number UM473323
- d. Mossberg 12 gauge shotgun Model 88, serial number NV20307L

on the basis they were involved or used in the knowing commission of the offense charged in Count VIII of the Indictment filed herein.

2) By virtue of said plea of guilty, the defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

3) The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Counts X, XI, XII and XIII of the Indictment and the defendant's plea of guilty, the Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska ("ATF") is hereby authorized to seize the following-described properties:

- a. 9mm Hi Point, Model C9 Luger, serial number P113411
- b. FEG 9mm semi-automatic handgun Model P9RZ, serial number RZ00337
- c. Mossberg Model 835, 12 gauge shotgun, serial number UM473323
- d. Mossberg 12 gauge shotgun Model 88, serial number NV20307L

C. The defendant's interest in said properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by ATF in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C., § 853(n), in which all interests will be addressed.

DATED this 19th day of September, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, SENIOR JUDGE
United States District Court